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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,847	12/19/2001	William R. Adams	4594US (300-005)	3299

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EXAMINER

NGUYEN, KIM T

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,847

Applicant(s)

ADAMS ET AL.

Examiner

Kim Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 29-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 38-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Applicant's election in response to the restriction requirement on January 20, 2004 (paper No. 6) is acknowledged. Currently, applicant elects species 1, claims 1-28 and 38-42, with traverse. Claims 1-42 are pending in the application.

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 13-43 been renumbered 12-42. To avoid confusion, applicant is advised to use the newly renumbered claims in the future communication.

2. Claims 2, 5-6, 9-11, 13-14, 16-21, and 38 are objected to because of the following informalities:

a) In claim 2, line 4, the claimed limitation "at least pay lines" should be corrected to "at least nine pay lines".

b) In claim 5, line 5, the claimed limitation "pay lines of the plurality" should be corrected to "the plurality of pay lines".

- c) In claim 6, line 3, the claimed limitation “a plurality of pay lines ... a single wagering” should be corrected to “the plurality of pay lines ... the single wagering”.
- d) In claim 9, line 8; claim 10, lines 2-3; claims 11, lines 2-3, the claimed limitation “the plurality” should be corrected to “the plurality of pay lines”.
- e) In claim 9, line 9, the claimed limitation “the plurality” should be corrected to “the plurality of indicia positions”.
- f) In claim 13, line 1, the claimed limitation “at least payout” should be corrected to “at least one payout”.
- g) In claim 14, line 2, the claimed limitation “at least one wager to at least one pay line” should be corrected to “the at least one wager to the at least one pay line”.
- h) In claim 16, line 2; claim 17, line 2; claim 18, line 2; claim 19, line 3; and claim 20, line 2, the claimed limitation “assigning the at least one wager” should be corrected to “assigning the at least one wager to the at least one pay line”.
- i) In claim 21, lines 5-6, the claimed limitation “at indicia positions” should be corrected to “at the indicia positions”.
- j) In claim 21, line 7, the expression “and” should be deleted.
- k) In claim 21, line 8, the claimed limitation “of the plurality” should be corrected to “of the plurality of pay lines”.
- l) In claim 21, line 8, the claimed limitation “gaming machine” should be corrected to “gaming device”.
- m) In claim 38, line 4, the claimed limitation “a indicia” should be corrected to “an indicia”.

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- n) In claim 38, line 9, the claimed limitation "indicia" should be corrected to "the indicia".

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 24-28 and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (US Patent No. 6,261,178) in view of Payne et al (US Patent No. 6,241,607).

a. As per claim 1, Bennett discloses a gaming device comprising a display with a plurality of reels, a plurality of pay lines, and a control device to activate the plurality of pay lines (col. 2, lines 64-67; col. 3, lines 1-8 and 31-35). Bennett does not disclose activating a plurality of pay lines in response to a single wagering unit. However, Payne discloses the claimed limitation (col. 3, lines 59-60). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the player of Bennett to activate a plurality of pay lines using only one single wagering unit as taught by Payne in order to facilitate quick selection of pay lines by not requiring the player to place multiple wagers.

b. As per claim 2 and 4-6, Bennett discloses including nine pay lines (col. 3, lines 31-55), and Payne allowing the player to select a subset of pay lines (col. 4, lines 14-15) on a wagering unit. It would have been obvious to a person of ordinary skill in the art at the time the invention

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was made to allow the player to place a plurality of wagering units to select a plurality of subsets of pay lines in order to allow the player to bet a numerous pay lines he desires.

c. As per claim 3, pay lines including non-overlapping arrangements of indicia would have been well known to a person of ordinary skill in the art at the time the invention was made.

d. As per claim 7-8, Payne discloses using currency or other means for wagering (col. 4, lines 18-19).

e. As per claim 24, refer to discussion in claim 1 above. Further, Payne discloses including at least three pay lines with different numbers of indicia (col. 4, lines 49-53). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the pay lines with different numbers of indicia of Payne to the gaming device of Bennett in order to define pay lines with different configurations.

f. As per claim 25-26, Bennett discloses a 3x3 array of indicia (col. 3, lines 64-67). Further, other type of array of indicia such as 4x3 would have been well known.

g. As per claim 27-28, Payne discloses including three indicia in a first pay line, five or more indicia in a third pay line, and four indicia in a second pay line (col. 4, lines 35-38).

h. As per claim 38-42, refer to discussion in claims 24-28 above.

3. Claims 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (US Patent No. 6,261,178).

a) As per claim 9-10 and 14, Bennett discloses a gaming method comprising displaying an image of rotatable reels, displaying a plurality of pay lines, placing a wager and initiating

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rotation of the reels (col. 2, lines 64-67; col. 3, lines 1-8 and 31-35). Bennett does not explicitly disclose assigning randomly the wager to a pay line. However, Bennett discloses randomly assigning a pay line under certain circumstances (col. 3, lines 57-60). Further, wagering would have been a well-known circumstance (triggering event). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the well-known wager as a circumstance in randomly assigning a pay line in order to enhance excitement to the game.

b) As per claim 11, selecting a specific number of pay lines to be activated would have been well known and would be an obvious design choice according to the preference of the owner.

c) As per claim 12-13, providing a unique payout amount on a winning pay line would have been well known to a person of ordinary skill in the art at the time the invention was made.

d) As per claim 15-20, since Bennett discloses randomly assigning a pay line under certain circumstances (col. 3, lines 56-68), Bennett obviously encompasses the well-known circumstances such as increasing an amount wagered, etc.

4. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (US Patent No. 6,093,102).

a. As per claim 21, Bennett discloses a gaming device comprising an input device, a display with a first indicia AX (Fig. 4) adjacent to a second indicia AY (Fig. 4) and not adjacent to the third indicia AZ (Fig. 4), a plurality of pay lines and a control device for randomly generating a combination of indicia (col. 3, lines 15-34). Bennett does not explicitly disclose that the pay line defining indicia positions on adjacent reels that are neither horizontally or diagonally

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immediately mutual adjacent. However, since Bennett discloses a 3x5 symbol matrix with 243 possible pay lines (col. 3, lines 48-53), Bennett obviously includes pay lines which have indicia on adjacent reels that are neither horizontally or diagonally immediately adjacent.

b. As per claim 22-23, Bennett discloses a 3x3 array of indicia (col. 3, lines 22-23). Further, other type of array of indicia such as 4x3 would have been well known.

Response to Arguments

5. Applicant's election with traverse of the response to the restriction/election in Paper No. 6 is acknowledged. The traversal is not found persuasive because claim 29 discloses receiving an indicia generated by another gaming device, and claim 29 does not disclose activating a plurality of pay lines in response to a single wagering unit as disclosed in claim 1. Claim 32 clearly claims different gaming machines connected together. Since claims 29, 32 and 1 disclose different features of gaming devices, the restriction is proper.

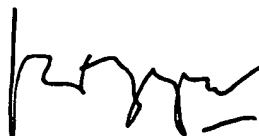
The requirement is still deemed proper and is therefore made FINAL.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg, can be reached on (703) 308-1327. The central official fax number is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

A handwritten signature in black ink, appearing to read 'Kim Nguyen', with a stylized flourish at the end.

Kim Nguyen
Primary Examiner
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Date: April 2, 2004